



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,267	12/03/2001	Alain Jean Falya	448/9-1621	2061
7590 08/04/2009				
William J. Sapone, Esq. Coleman Sudol Sapone 714 Colorado Avenue Bridgeport, CT 06605-1601			EXAMINER GREENE, DANIEL LAWSON	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 08/04/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/006,267

Applicant(s)

FALYS ET AL.

Examiner

DANIEL L. GREENE

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-26, 30-32, 47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26, 30-32, 47 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The communications received 5/4/2009 and 3/17/2009 have been considered and entered. Claims 1-15, 14-26, 30-32, 47 and 48 are pending, with claims 18 and 48 being amended in the communication received 3/17/2009 and claims 1-15 and 17 being previously withdrawn.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2009 has been entered.

Response to Amendment

3. Applicants 3/17/2009 amendments to the claims and arguments in support thereof (see pages 10-11) have overcome the rejection set forth in section 5 (35 USC 101) of the previous office action mailed 10/20/2008. Accordingly, said rejection is withdrawn.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

5. Applicant's arguments filed 3/17/2009 have been fully considered but they are not persuasive.

Applicant argues on page 13:

“With regard to cited US 5,557,780 (Edwards et al), the Examiner alleges that Edwards discloses that it is known to add static and dynamic data and to verify the data. However, despite such generalizations, it is clear that the particular claim limitation found in claim 18 and 48 are not met in Edwards.
As to specific limitations, claim 18 specifies that the input processor device is configured to:

add static data to the data corresponding to the received invoices when processed into the standard intermediate form;

add dynamic data to the data corresponding to the received invoices when processed into the standard intermediate form; and,

validate the data corresponding to the received invoices when processed into the standard intermediate form before transmission by the transmitter device to the party being invoiced.

In the present invention, the static data is used to fill in gaps in the invoice data that may not be present in the information received from the issuer of the invoice. Thus, the invoice data received at the input may not necessarily include static data such as the name, address and tax registration information that would traditionally be pre-printed on the invoicer's own conventional paper stationery and, hence not held in their own computer system. This gives rise to a problem when data is taken from the invoicer's computer and used for electronic billing, since not all the data required for electronic invoicing will be found in the invoicer's computer.

Similarly, as to the dynamic data, some data components in the received invoice data are relationship based and the value of the data needs to take into account who has sent the data and who the receiver of the data will be. This is solved by adding appropriate dynamic data to the data corresponding to the received invoices and then processing into the standard intermediate form. The dynamic data thus varies according to the transaction in dependence on both the seller and the purchaser.

Thus, the purpose of adding the static and dynamic data in the present invention is to ensure that when converted to the standard intermediate form, all of the data necessary for the receiver of the invoice is provided in the data that is transmitted by the invoice transmitter in the final invoice to the party being invoiced. The validation of data specified in claim 18 is an overall validation of the data in the received invoices when processed into their standard intermediate form before transmission to the party being invoiced.

Response:

Applicant's arguments are unpersuasive as applicant has not shown that the references do not teach what the examiner has stated they teach, nor has applicant shown that the examiner's reasoning for and manner of combining the teachings of the references is improper or invalid.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Claim Rejections - 35 USC § 103

6. Claims 18-26, 30-32 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman for the reasons set forth in section 7 of the previous Office action mailed 10/30/2008, which in turn refers back to section 11 of the previous Office action mailed 4/3/2008.

See the discussion set forth in section 5 above.

7. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman as modified and applied to claims 18-26, 30-32 and 48 above in view of US 4,750,114 to Hirtle for the reasons set forth in section 8 of the previous office action mailed 10/30/2008.

It is not seen wherein applicant addressed this rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL L. GREENE whose telephone number is (571)272-6876. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent

10. Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. G./
Examiner, Art Unit 3694
2009-08-02

/Mary Cheung/
Primary Examiner, Art Unit 3694